

## **Biancamano Law, LLC**

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November 10, 2021

**Via eMail & eFiling**

Hon. Renee M. Bumb, U.S.D.J.  
United States District Court  
Mitchell H. Cohen U.S. Courthouse  
One John F. Gerry Plaza  
Camden, NJ 08101

**Re: United States v. Sterling Wheaten (18-608(RMB))**

Dear Judge Bumb:

This firm represents Sterling Wheaten in connection with the above-captioned matter. By way of background, on October 15, 2019, following the filing of Superior Court charges against Mr. Wheaten the Government sought to modify his conditions of release. After a hearing on the matter, Judge Schneider Ordered that Mr. Wheaten refrain from consuming any alcohol. Mr. Wheaten strictly abided that condition, subject to regular but randomized testing, of which he passed every single one. The Superior Court charges were eventually downgraded and subsequent to the case being remanded to Margate Municipal Court, in November of 2020, we sought to have the modification requiring Mr. Wheaten to refrain from any alcohol consumption removed. Judge Schneider ultimately denied that request on November 25, 2020 without a hearing finding that good cause did not exist to amend the condition. Thereafter, on June 16, 2021 defense counsel, after obtaining the Government's consent, submitted a letter and proposed Order again seeking the removal of the condition that Mr. Wheaten refrain from all alcohol consumption. The next day, on June 17, 2021, Your Honor signed the proposed consent Order granting the request to remove the condition to abstain from alcohol. Approximately 3 weeks later, On July 9, 2021, Your Honor entered a text Order vacating the Order at Dkt. 84 noting that the parties failed to advise the Court that Judge Schneider had made a finding that good cause did not exist to remove the alcohol abstinence condition despite the Government's consent.

We write now to respectfully ask that Your Honor reconsider our request to remove the alcohol abstinence condition and permit reasonable and non-excessive alcohol consumption by Mr. Wheaten in light of a critically important change in circumstances that was not previously conveyed to the Court. On May 10, 2021, several months after the entry of Judge Schneider's

November 25, 2020 Order denying our prior request, all charges underlying the State Complaint which triggered the Government's original request to revoke or modify Mr. Wheaten's release conditions were *dismissed* in the Margate Municipal Court. Further, the Municipal Judge Ordered an expedited *expungement* of all charges. This information was conveyed to the Government in advance of the June 16, 2021 filing by way of letter dated May 14, 2021 (See Exhibit A), but was omitted from Counsel's June 16, 2021 letter to Your Honor seeking the modification. With this additional and critically important information in mind, we respectfully ask that Your Honor reconsider our prior request and enter the enclosed Order allowing reasonable and non-excessive consumption of alcohol by Mr. Wheaten as was permitted prior to the filing of the now dismissed and expunged State charges. In advance of this filing, we again discussed the requested modification with the Government, and obtained their consent to same as indicated in the enclosed proposed form of Order.

Your Honor's time and thoughtful consideration of this matter is sincerely appreciated.

Respectfully submitted,

*/s/ Daniel Holzapfel*

Daniel Holzapfel

Cc: Jason Richardson, AUSA  
David Walk, AUSA  
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Lou Barbone, Esq.  
Stacy Biancamano, Esq.  
Sterling Wheaten